

REMARKS

GENERAL REMARKS

Claims 1-35 are pending. Claims 1, 14, 22, and 28 have been amended. The amendments do not add new matter and are supported by the original filed disclosure at least at ¶[0020] and [0028]-[0029].

CLAIM REJECTIONS - 35 USC § 101

Claims 1-21 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Independent claim 1 as amended is tied to a particular machine—namely, a computer system executing a video editing program. Steps of claim 1 of identifying, creating (compositing), and making available are performed by this particular machine, thus representing more than post solution activity. Thus, claim 1 is tied a particular machine—*i.e.*, a computer system limited to the use of the particularly claimed combination of elements to perform the particularly claimed combination of functions. With this amendments, claims 1-13 are believed to be patent eligible under 35 USC § 101.

Independent claim 14 is amended so that it is directed to “a non-transitory programmable storage device.” This amendment should alleviate any concerns about the patent eligibility of claim 14. See Guidance Memorandum of Jan. 26, 2010 entitled “Subject Matter Eligibility of Computer Readable Media.” As specifically outlined in this Memorandum, “[a] claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation ‘non-transitory’ to the claim.” With this amendments, claims 14-21 are believed to be patent eligible under 35 USC § 101.

CLAIM REJECTIONS - 35 USC § 112

Claims 1-21 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the specification was filed, had possession of the claimed invention. The particular subject matter involved in the rejection relates to the recitation of “at least one of the plurality of multimedia assets is user-supplied independent of any multimedia assets provided by a video editing application” in independent claims 1 and 14.

As basis for the rejection, the Examiner contends that the portions of Appellant's specification cited in support of the claimed subject matter does not provide clarity in his view to its meaning. This is insufficient reasoning and evidence to explain why a person skilled in the art would not recognize a description in the original specification of the invention defined by the claim, and the rejection should be withdrawn. More correctly, the specification as filed explicitly supports the claimed subject matter that a multimedia asset defining a transition is user-supplied independent of any multimedia assets provided by a video editing application.

In the context of claims 1 and 14, for example, a plurality of multimedia assets are identified that define a transition. At least one of the multimedia assets is user-supplied independent of any multimedia assets provided by a video editing application. These multimedia assets are composited with a source object and a target object to create a result, which is made available to the video editing application.

The claimed limitation has been amended in claims 1 and 14 and calls for “the multimedia assets including at least one predefined multimedia asset provided by the video editing application and including at least one arbitrary multimedia asset, wherein the at least one arbitrary multimedia asset is user-supplied and is generated independent of any the predefined multimedia assets provided by the video editing application.”

As discussed in the specification:

Initially a user identifies all those assets needed to implement the desired transition (block 105). In accordance with the invention, at least one of the assets so identified is user-supplied. For example, if the transition requires an image other than the start or end image to be displayed, an asset movie is needed – such movie could be generated and supplied by the user. That is, the user is not restricted to predefined transition images, movies, or effects.

Present Specification at Paragraph [0020]

Thus, the claimed subject matter that at least one of the plurality of multimedia assets is user-supplied and is independent of any predefined multimedia assets provided by a video editing application refers, by way of example, to an asset movie generated and supplied by the user and not restricted to predefined transition images, movies, or effects associated with a video editing application.

By way of another example, the specification shows and describes how a user can have an asset movie (flying/rotating DVD image in FIG. 5) generated and supplied by a user and how the user can use that asset movie for a transition between a start image (image of oval rings in FIG. 3) and an end image (image of straight lines in FIG. 4). See paragraph [0028]. As the specification indicates, the user-supplied asset movie (flying/rotating DVD image in FIG. 5) can be any movie or image that the user has and wants to use during the transition from the start image to the end image. Moreover, the asset movie is unlike asset movies available in prior art video editing applications, which are limited to the movies or clips preinstalled within the video editing program. See Paragraph [0028].

These examples from the specification show that the claimed subject matter related to “at least one arbitrary multimedia asset is user-supplied and is independent of any predefined multimedia assets provided by a video editing application” was explicitly described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the specification was filed, had possession

of the claimed invention. Accordingly, Appellant respectfully requests that the Board reverse the rejection of claims 1-21 under 35 U.S.C. § 112, first paragraph.

CLAIM REJECTIONS

In responding to the Examiner's prior art rejections, Applicants here only justify the patentability of the independent claims. As the Examiner will appreciate, should these independent claims be patentable over the prior art, dependent claims would also necessarily be patentable. Accordingly, Applicants do not separately discuss the patentability of the dependent claims, although Applicants reserve the right to do so.

A. Claims 1-4, 6-8, 11-12, and 14-20

Claims 1-4, 6-8, 11-12, and 14-20 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by US 6,154,600 ("Newman").

1. Discussion of Newman

Newman discloses an editing system. To perform a transition between first and second sequences of frames, a non-linear editor (200; Fig. 5) responds to a user's input and creates an alpha frame, which describes how to combine the first and second frames so as to form the transition. See Newman at col. 9, ll. 32-44. At points in the disclosure, Newman discloses that the system can select default transitions, which thereby correspond to default alpha frames describing how to combine frames to form a default transition between captured hypermedia. See Newman at col. 14, ll. 15-18; col. 15, ll. 26-29; col. 17, ll. 7-12. At other points in the disclosure, Newman discloses that a user can select a provided transition in a transition GUI (470) and drop it in a storyboard between a pair of clips to create the transition between the clips. See Newman at col. 16, ll. 4-20, and Fig. 11. Thus, Newman discloses default or provided transitions that are merely selected by the system or a user.

2. Discussion of Independent Claims 1 and 14

Independent claims 1 and 14 call for identifying a plurality of multimedia assets that define a transition. The multimedia assets include at least one predefined

multimedia asset provided by the video editing application and include at least one arbitrary multimedia asset that is user-supplied and is generated independent of any the predefined multimedia assets provided by the video editing application. See independent claims 1 and 14. In the context of Appellant's claims, a result is created by compositing a source multimedia object, a target multimedia object, and the transition defined by multimedia assets where at least one of the assets is supplied by the user and is generated independent of any predefined multimedia assets provided by a video editing application. This is simply not the case in the disclosure of Newman.

Newman does not disclose transitions having a multimedia asset that is supplied by a user and is generated independent of any multimedia assets provided by a video editing application. Rather, the transitions in Newman are provided by an editor in the form of default transitions or transitions in a GUI, and these provided transitions can be used between hypermedia supplied by the user. In stark contrast, Appellant's claims call for at least one arbitrary multimedia asset that defines the transition to be user-supplied and to be generated independent of the program (*i.e.*, not a provided transition of an editor as in Newman). Therefore, Newman fails to teach or suggest each claimed element in independent claims 1 and 14.

Despite the differences between Newman and independent claims 1 and 14, the Examiner appears to have misinterpreted the disclosure of Newman because the Examiner seems to imply that the captured hypermedia discussed in Newman defines a transition. For example, the Examiner states that "Newman teaches a user can capture hypermedia from real-time and on-line sources as well as off-line sources which is independent of multimedia assets provided by a video editing application." *Final Office Action* at page 27. Elsewhere, the Examiner states that "Applicant further argues that Newman discloses providing transitions selected by a user but not supplied by the user. If a user captures hypermedia from an on-line or off-line source, the user has supplied the multimedia asset. Therefore, the Examiner respectfully disagrees with Applicant's rationale." *Final Office Action* at page 27. However, the captured hypermedia as disclosed in Newman does not define a transition in the same way Appellant's claims

call for multimedia assets that define a transition. Rather, the captured hypermedia in Newman is combined with alpha frames that describe how to combine frame sequences of the captured hypermedia. Thus, the alpha frames—not the hypermedia—define a transition. The captured hypermedia simply refers to source and target media to be edited with one of Newman's provided transitions. As noted above, Newman discloses provided transitions in the form of default transitions selected by the system or selected by a user in a transition GUI (470).

Because Newman fails to teach or suggest each claimed element of independent claims 1 and 14, Newman cannot and does not anticipate independent claims 1 and 14. Accordingly, Appellant respectfully requests that the Board reverse the rejection of claims 1-4, 6, 11-12, and 14-20 under 35 U.S.C. § 102(b).

B. Claims 22, 26-28, and 34-35

Claims 22, 26-28, and 34-35 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Newman.

1. Discussion of Newman

See Section A(1) above.

2. Discussion of Independent Claims 22 and 28

Independent claim 22 calls for "identifying...a first movie that is user-supplied and is independent of any predefined movie provided by the video editing application" and "identifying...an x-asset key that is user-supplied and is independent of any predefined x-asset key provided by the video editing application. A transformation is then composited "by combining the first movie and the second movie in accordance with the x-asset key."

Independent claim 28 calls for "identifying...first and second image frames that are user-supplied and are independent of any predefined image frames provided by the video editing application" and "identifying...an x-asset key that is user-supplied and is independent of any predefined x-asset key provided by the video editing application."

The first image frame, the second image frame and each frame of the movie is composited in accordance with the x-asset key using the video editing application.

Newman fails to teach or fairly suggest an x-asset key (comprising at least one movie) that is used to composite a transformation combining movies (or compositing frames) and that is user-supplied and is independent of any x-asset key provided by a video editing application. Rather, Newman discloses that transitions provided as part of an editor are merely *selected* by the system or by a user to generate a transition between captured hypermedia. See Section A(2) above.

In other words, even though Newman may disclose that a user captures hypermedia from on-line and off-lines sources, this captured hypermedia represents target and source material to be edited in an editor with transitions – the captured hypermedia may not be used to form transitions as claimed. In Newman, the system selects a default transition, or the user selects a transition provided by a transition GUI (470). Therefore, the transitions in Newman are not user-supplied transitions that are independent of any assets provided by a video editing application. Because Newman fails to teach or suggest each claimed element of independent claims 22 and 28, Newman does not and cannot render independent claims 22 and 28 as obvious. Accordingly, Appellant respectfully requests that the Board reverse the rejection of claims 22, 26-28, and 34-35 under 35 U.S.C. § 103(a).

CONCLUSION

No fees are believed due at this time. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. Should any fees be due for any reason, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 501922, referencing 119-0039US.

To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

/Sean McDermott/

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